

SUPREME COURT OF ARKANSAS

No.

IN RE: RULES GOVERNING
ADMISSION TO THE BAR OF
ARKANSAS

Opinion Delivered 5-24-07

PER CURIAM

Part A of Rule IX of the *Rules Governing Admission to the Bar* (Rules) provides: “. . . a Bar examination applicant may retain: the applicant’s written scaled score that corresponds to a total written raw score of 825 or more” The Board of Law Examiners (Board) has reviewed the effects of this provision.

In many instances, the written score an applicant retains is diminished in weight from one exam to the next as the result of the process of scaling that written score to the MBE. An expert employed by the Board recommends that this provision be removed from the Rules. The consultant notes that very few states allow retention of written scores because of the variability in weight from one exam to the next. This is particularly troubling in Arkansas since the written score is two thirds (2/3) of the final score.

Based upon these considerations, the Board has unanimously voted to recommend that this provision be removed. We concur and republish Part A of Rule IX as it appears on the attachment to this order. This change will be effective for scores secured during the February

2008 Arkansas Bar Exam.

Rule IX. Examination - Subjects - Passing Grade

A. General Examination

All examinations shall be in writing and shall cover the subjects hereinafter listed and such other subjects as the Board may direct, subject to prior Court approval.

Business Organizations This subject heading may include corporations, partnerships, agency and master-servant relationships.

Commercial Transactions This subject heading may include the general coverage of the U.C.C. This will not include the general subject of contracts and will not include matters relating to warranties under product liability, both of which may be covered under other headings.

Criminal Law and Procedure This subject heading may include constitutional law as it applies to criminal law and procedure.

Constitutional Law This subject heading may include both the Arkansas Constitution and the Constitution of the United States. This subject will not be primarily directed to matters relating to criminal law and procedure.

Torts This subject heading may include the entire field of Tort law and questions concerning product liability.

Property This subject heading may include the law of real property and, or, personal property. Emphasis here should not be placed on the U.C.C. and other such questions arising primarily under the subject heading "Commercial Transactions."

Wills, Estates, Trusts Because of the broad scope of this subject heading, questions concerning taxation shall not be covered. Guardianship of both the person and the estate may be included.

Evidence

Practice and Procedure This subject heading may include both state and federal trial and appellate practice and, where applicable, remedies and choice of forum.

Equity and Domestic Relations

Contracts This subject heading should place emphasis upon the traditional basics of contract law. Only where duplication cannot be avoided, should matters such as the application of the Uniform Commercial Code be covered under this heading.

Multistate Performance Test The Multistate Performance Test (MPT) presents problems which arise in a variety of fields of law which include the subject area as set forth in the preceding paragraphs as well as other fields of law. However, materials provided with the examination provide sufficient substantive information to complete the task set forth in each MPT question.

NOTE: Conflict of Laws is not included as a separate subject on the examination. However, conflict questions may arise in the subjects included on the examination and should be recognized as such.

Pass/Fail Determination The answers to each essay question and each MPT question will be graded on a scale ranging from 65 to 85. This score shall be designated as the applicant's "raw" score on a question. The raw score on each MPT question will be multiplied by 1.5. The resulting products from the MPT questions will be added to the sum of the raw scores from the essay questions to yield a "total written raw" score.

The distribution of the total written raw scores acquired by applicants on a given examination will be converted to a score distribution that has the same mean and standard deviation as those same applicants' Multistate Bar Examination scale scores on that examination . The score on this converted scale that corresponds to the applicant's total written raw score shall be designated as the applicant's "written scale" score. An applicant's total examination score shall be determined by the following formula:

$$\text{Total Score} = (\text{written scale score} \times 2) + \text{MBE scale score}$$

An applicant shall pass the examination if he or she earns a total score of 405 points or higher.

A bar examination applicant may retain a Multistate Bar Examination scale score of 135 or more. The retained score may be used in the immediately succeeding examination only. An

applicant may transfer from another jurisdiction a Multistate Bar Examination scale score of 135 or more for use in the immediately succeeding examination only.

The Board shall destroy all examination papers, including questions and answers, at the time of the next succeeding bar examination. However, the original copy of each question shall be maintained in accordance with Rule III.